THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17605 of 2006

DATED: 23.08.2006

Between:

Padala Venkateswar Rao. .. PETITIONER

Versus

State Election Commission, represented by its Secretary, 3rd Floor, Buddha Bhavan, M.G. Road, Secunderabad and two others. .. RESPONDENTS

WRIT PETITION NO.17605 of 2006

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed seeking Writ of Mandamus declaring the election of the 3rd respondent as Sarpanch in respect of P.Gannavaram Gram Panchayat conducted on 6.8.2006 as illegal, arbitrary, void and unconstitutional being contrary to the provisions of Section 19(3) of A.P. Panchayat Raj Act and set aside the same as void and unconstitutional and consequently direct the respondents 1 and 2 to conduct fresh elections to the post of Sarpanch, P.Gannavaram Gram Panchayat, and pass such other suitable orders.

3. On an analysis of the facts narrated in paragraphs 2 to 5 of the affidavit filed in support of the Writ Petition, this Court is of the considered opinion that these factual aspects may have to be gone into before the appropriate Election Tribunal. Hence, the liberty is given to the petitioner to approach the concerned Tribunal, if he is so advised.

4. The Writ Petition is disposed of accordingly. No costs.

23.08.2006

SSR